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By

Jim

S.B. No. 1636

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Bandera County Water Management
4 District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as the Bandera County Water Management
8 District, is created in Bandera County, subject to approval at a
9 confirmation election under Section 9 of this Act. The district is
10 a governmental agency and a body politic and corporate.

11 (b) The district is created under and is essential to
12 accomplish the purposes of Article XVI, Section 59, of the Texas
13 Constitution.

14 SECTION 2. DEFINITION. In this Act, "district" means the
15 Bandera County Water Management District.

16 SECTION 3. BOUNDARIES. The district includes the territory
17 contained within Bandera County.

18 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
19 finds that the boundaries and field notes of the district form a
20 closure. A mistake in the field notes or in copying the field
21 notes in the legislative process does not affect the organization,
22 existence, or validity of the district, the right of the district
23 to levy and collect taxes, or the legality or operation of the
24 district or its governing body.

1 SECTION 5. FINDING OF BENEFIT. All of the land and other
2 property included within the boundaries of the district will be
3 benefited by the works and projects that are to be accomplished by
4 the district under powers conferred by Article XVI, Section 59, of
5 the Texas Constitution. The district is created to serve a public
6 use and benefit.

7 SECTION 6. POWERS. (a) The district has all of the rights,
8 powers, privileges, authority, functions, and duties provided by
9 the general law of this state, including Chapters 50 and 52, Water
10 Code, applicable to underground water conservation districts
11 created under Article XVI, Section 59, of the Texas Constitution.
12 This Act prevails over any provision of general law that is in
13 conflict or inconsistent with this Act.

14 (b) The rights, powers, privileges, authority, functions,
15 and duties of the district are subject to the continuing right of
16 supervision of the state to be exercised by and through the Texas
17 Water Commission.

18 SECTION 7. BOARD OF DIRECTORS. (a) The district is
19 governed by a board of nine directors.

20 (b) Temporary directors serve until initial permanent
21 directors are elected under Section 9.

22 (c) Initial permanent directors serve until permanent
23 directors are elected under Section 10.

24 (d) Permanent directors other than initial permanent
25 directors serve staggered four-year terms.

26 (e) Each director must qualify to serve as director in the
27 manner provided by Sections 51.078 and 51.079, Water Code.

1 (f) A director serves until the director's successor has
2 qualified.

3 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
4 directors is composed of:

- 5 (1) Phil Becker
- 6 (2) Paul Garrison, Jr.
- 7 (3) Connie Taylor
- 8 (4) Craig Tips
- 9 (5) Tom Denyer
- 10 (6) Joe Cantu
- 11 (7) J. K. Leighton
- 12 (8) Don Karr
- 13 (9)

14 (b) If a temporary director fails to qualify for office, the
15 temporary directors who have qualified shall appoint a person to
16 fill the vacancy. If at any time there are fewer than five
17 qualified temporary directors, the Texas Water Commission shall
18 appoint the necessary number of persons to fill all vacancies on
19 the board.

20 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

21 (a) The temporary board of directors shall call and hold an
22 election to confirm establishment of the district and to elect nine
23 initial directors.

24 (b) At the confirmation and initial directors' election, the
25 temporary board of directors shall have the names of the nine
26 persons serving as temporary directors placed on the ballot
27 together with blank spaces to write in the names of other persons.

1 If the district is created at the election, the temporary
2 directors, at the time the vote is canvassed, shall declare the
3 nine persons who receive the most votes to be elected as the
4 initial directors and shall include the results of the directors'
5 election in its election report to the Texas Water Commission.

6 (c) Section 41.001(a), Election Code, does not apply to a
7 confirmation and initial directors' election held as provided by
8 this section.

9 (d) Except as provided by this section, a confirmation and
10 initial directors' election must be conducted as provided by
11 Sections 52.058(b)-(g), Water Code, and the Election Code.

12 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
13 May of the second year after the year in which the district is
14 authorized to be created at a confirmation election, an election
15 shall be held in the district for the election of directors. Two
16 directors shall be elected from each commissioner precinct and one
17 director at large. The director elected from each commissioner
18 precinct who receives the fewer number of votes shall serve a
19 two-year term, and the director elected from each commissioner
20 precinct who receives the most votes and the director elected at
21 large shall serve a four-year term. Thereafter, on the same date
22 in each subsequent second year, the appropriate number of directors
23 shall be elected to the board.

24 SECTION 11. ADDITIONAL AUTHORITY. The district may exercise
25 the rights, powers, purposes, authority and functions provided by
26 Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
27 (Article 8280-526, Vernon's Texas Civil Statutes), but if any

1 provision of that Act is in conflict or inconsistent with this Act,
2 this Act prevails. The provisions of Chapter 629, Acts of the 62nd
3 Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
4 Texas Civil Statutes), that are not in conflict or inconsistent
5 with this Act continue in effect.

6 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

7 (a) The proper and legal notice of the intention to introduce this
8 Act, setting forth the general substance of this Act, has been
9 published as provided by law, and the notice and a copy of this Act
10 have been furnished to all persons, agencies, officials, or
11 entities to which they are required to be furnished by the
12 constitution and other laws of this state, including the governor,
13 who has submitted the notice and Act to the Texas Water Commission.

14 (b) The Texas Water Commission has filed its recommendations
15 relating to this Act with the governor, lieutenant governor, and
16 speaker of the house of representatives within the required time.

17 (c) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act are fulfilled
20 and accomplished.

21 SECTION 13. EMERGENCY. The importance of this legislation
22 and the crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its
27 passage, and it is so enacted.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared Helen Nehr, who, after being by me duly sworn, deposes and says that she is the Advertising Manager of the Bandera Bulletin, a newspaper of general circulation which has been continuously and regularly published in the City of Bandera, County of Bandera, State of Texas, for a period of more than ten (10) years prior to the date hereof; that she knows the facts stated in this affidavit and that the hereto attached printed matter is a true and correct copy of the publication of the Notice of intent to introduce a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District which it purports to be a copy, appeared in such newspaper in the respective issues on the following dates: February 16, 1989.

Helen Nehr

Advertising Manager

Sworn to and subscribed before me, this the 17th day of February, 1989.

David Nehr

Notary Public--Bandera County

My commission expires 1/8/90

NOTICE

This is to give notice of intent to introduce in the 71st Legislature, Regular Session, a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District.

By: Sims S.B. No. 1636
(In the Senate - Filed April 4, 1989; April 4, 1989, read first time and referred to Committee on Natural Resources; April 20, 1989, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 20, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Santiesteban	x			
Lyon	x			
Armbrister				x
Bivins	x			
Brown				x
Carriker	x			
Montford	x			
Ratliff	x			
Sims	x			
Uribe	x			
Zaffirini	x			

COMMITTEE SUBSTITUTE FOR S.B. No. 1636

By: Sims

A BILL TO BE ENTITLED
AN ACT

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Bandera County Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Bandera County Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9.

(c) Initial permanent directors serve until permanent directors are elected under Section 10.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(f) A director serves until the director's successor has qualified.

(g) A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

- (1) Phil Becker
- (2) Paul Garrison, Jr.
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- (4) Craig Tips
- (5) Tom Denyer
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- (7) J. K. Leighton
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(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than five qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect nine initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the nine persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the nine persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

(d) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b) through (g), Section 52.058, Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of directors. Two directors shall be elected from each commissioner precinct and one director at large. The director elected from each commissioner precinct who receives the fewer number of votes shall serve a two-year term, and the director elected from each commissioner precinct who receives the most votes and the director elected at large shall serve a four-year term. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 11. ADDITIONAL AUTHORITY. The district may exercise the rights, powers, purposes, authority, and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), but if any provision of that Act is in conflict or inconsistent with this Act, this Act prevails. The provisions of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's

Texas Civil Statutes), that are not in conflict or inconsistent with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

Sec. 9. All powers of the district shall be exercised by a board of nine directors composed of the persons who serve as directors of the Bandera County Water Management District. Each director of the Bandera County Water Management District serves on the board of directors of the Bandera County River Authority as an additional duty of his office as director of the water management district. A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of the district. ~~[Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be appointed a director unless such person is 21 years of age or over and a resident of the district and owns land therein. Each director shall subscribe to the oath of office and shall give bond in the amount of \$5,000 for the faithful performance of his duties, the cost of which shall be borne by the district. A majority of directors shall constitute a quorum. Immediately after this Act becomes effective, the following named persons, all of whom are 21 years of age or over and residents of the district and own land therein, shall be the directors of the district and shall constitute the board of directors of the district.~~

~~(1) M. R. Sandidge~~

~~(2) Thomas U. Kesse~~

~~(3) Daniel Tschirhart~~

~~(4) Edwin Vawter~~

~~(5) Albie Allsup~~

~~(6) Paul Garrison, Sr.~~

~~(7) Eldon Boltinghouse~~

~~(8) Henry Fisher~~

~~(9) R. E. Adams~~

~~If any of the aforementioned persons shall fail or refuse to serve, die, become incapacitated, or otherwise not be qualified to assume the duties of a director of the district under this Act, the governor shall appoint a successor or successors. Succeeding directors shall be appointed as provided for in this Act. The terms of office of the first three directors named above expire on January 31, 1973, of the second three, on January 31, 1975, and of the last three, on January 31, 1977. On February 1, 1973, and every two years thereafter, the governor shall appoint successors to directors whose terms expire. Except as provided above, all directors have six-year terms of office. The governor shall fill a vacancy on the board by appointment for the unexpired term.]~~ The board of directors shall elect from its number a president, a vice president, and a secretary of the board of directors and of the district, and such other officers as in the judgment of the board are necessary. The president shall be chief executive officer of the district and the presiding officer of the board, and shall have the same right to vote as any other director. The vice president shall perform all duties and exercise all power conferred by this Act or the general law upon the president when the president is absent or fails or declines to act. The secretary shall keep and sign the minutes of the meetings of the board of directors; and in his absence at any board meeting, a secretary pro tem shall be named for that meeting who may exercise all the duties and powers of the secretary for such meeting, sign the minutes thereof, and attest all orders passed or other action taken at such meeting. The secretary shall be the custodian of all minutes and records of the district. The board shall appoint all necessary engineers, attorneys, auditors, and other employees. The board shall adopt a seal for the district.

SECTION 13. ADDITIONAL DUTY. Each person designated under this Act as a temporary director for the Bandera County Water Management District serves in that capacity as an additional duty of office as a director of the Bandera County River Authority.

SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

* * * * *

Austin, Texas
April 20, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1636, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Santiesteban, Chairman

APR 12 REC'D

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1636
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA

SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

³⁰
4-19-89 / 13:02
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
SB 1636 by Sims have on APRIL 19, 1989, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

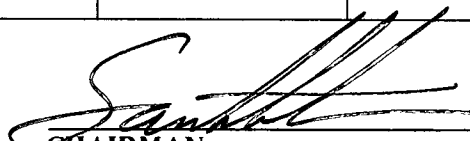
Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	X			
Lyon, Vice Chairman	X			
Armbrister				X
Bivins	X			
Brown				X
Carriker	X			
Montford	X			
Ratliff	X			
Sims	X			
Uribe	X			
Zaffirini	X			
TOTAL VOTES	9			2


COMMITTEE CLERK


CHAIRMAN

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that CSSB 1636, by: Sims,
was heard by the Committee on Natural Resource on 4-19, 1989
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.


Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF
THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE
BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE
COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE
ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR
IS 4:00 P.M. THURSDAYS.

April 27 1989 Engrossed
Latsy Spaw
Engrossing Clerk

I certify that the attached is a true and correct
copy of SB 1636, which was
received by the Senate on 4-27-89, and
referred to the Committee on Natural Resources

[Signature]
Chief Clerk of the House

By: Sims

S.B. No. 1636

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10 the results of the directors' election in its election report to
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12 (d) Subsection (a), Section 41.001, Election Code, does not
13 apply to a confirmation and initial directors' election held as
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26 two-year term, and the director elected from each commissioner

precinct who receives the most votes and the director elected at large shall serve a four-year term. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

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herein-provided,--and--thereafter--until--his--successor--shall--be appointed--and--qualified. --No-person-shall-be-appointed-a-director unless-such-person-is-21-years-of-age-or-over-and-a-resident-of-the district-and-owns-land-therein. --Each-director-shall--subscribe--to the--oath-of-office-and-shall-give-bond-in-the-amount-of-\$5,000-for the-faithful-performance-of-his-duties,--the-cost-of-which-shall--be borne--by-the-district. --A-majority-of-directors-shall-constitute-a quorum. ---Immediately--after--this--Act--becomes---effective,---the following--named--persons,--all-of-whom-are-21-years-of-age-or-over and-residents-of-the-district-and-own-land-therein,--shall--be--the directors--of--the--district--and--shall--constitute--the--board-of directors-of-the-district:

{1}--M. -R. -Sandidge

{2}--Thomas-U. -Kesse

{3}--Daniel-Tschirhart

{4}--Edwin-Vawter

{5}--Allie-Allsup

{6}--Paul-Garrison,--Sr.

{7}--Elden-Beltinghouse

{8}--Henry-Fisher

{9}--R. -E. -Adams

If-any-of-the-aforementioned-persons-shall-fail-or-refuse-to-serve, die,--become-incapacitated,--or-otherwise-not-be-qualified-to--assume the--duties--of--a--director--of--the--district-under-this-Act,--the governor-shall--appoint--a--successor--or--successors. ---Succeeding directors--shall--be--appointed--as--provided-for-in-this-Act. --The

~~terms-of-office-of-the-first-three-directors-named-above-expire--on~~
~~January--31--1973--of-the-second-three--on-January-31--1975--and-of~~
~~the-last-three--on-January-31--1977--On--February--1--1973--and~~
~~every--two--years--thereafter--the-governor-shall-appoint-successors~~
~~to-directors-whose-terms-expire--Except--as--provided--above--all~~
~~directors-have-six-year-terms-of-office--The-governor-shall-fill-a~~
~~vacancy--on--the-board-by-appointment-for-the-unexpired-term.]~~ The
 board of directors shall elect from its number a president, a vice
 president, and a secretary of the board of directors and of the
 district, and such other officers as in the judgment of the board
 are necessary. The president shall be chief executive officer of
 the district and the presiding officer of the board, and shall have
 the same right to vote as any other director. The vice president
 shall perform all duties and exercise all power conferred by this
 Act or the general law upon the president when the president is
 absent or fails or declines to act. The secretary shall keep and
 sign the minutes of the meetings of the board of directors; and in
 his absence at any board meeting, a secretary pro tem shall be
 named for that meeting who may exercise all the duties and powers
 of the secretary for such meeting, sign the minutes thereof, and
 attest all orders passed or other action taken at such meeting.
 The secretary shall be the custodian of all minutes and records of
 the district. The board shall appoint all necessary engineers,
 attorneys, auditors, and other employees. The board shall adopt a
 seal for the district.

SECTION 13. ADDITIONAL DUTY. Each person designated under

1 this Act as a temporary director for the Bandera County Water
2 Management District serves in that capacity as an additional duty
3 of office as a director of the Bandera County River Authority.

4 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

5 (a) The proper and legal notice of the intention to introduce this
6 Act, setting forth the general substance of this Act, has been
7 published as provided by law, and the notice and a copy of this Act
8 have been furnished to all persons, agencies, officials, or
9 entities to which they are required to be furnished by the
10 constitution and other laws of this state, including the governor,
11 who has submitted the notice and Act to the Texas Water Commission.

12 (b) The Texas Water Commission has filed its recommendations
13 relating to this Act with the governor, lieutenant governor, and
14 speaker of the house of representatives within the required time.

15 (c) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

19 SECTION 15. EMERGENCY. The importance of this legislation
20 and the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended,
24 and that this Act take effect and be in force from and after its
25 passage, and it is so enacted.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared Helen Nehr, who, after being by me duly sworn, deposes and says that she is the Advertising Manager of the Bandera Bulletin, a newspaper of general circulation which has been continuously and regularly published in the City of Bandera, County of Bandera, State of Texas, for a period of more than ten (10) years prior to the date hereof; that she knows the facts stated in this affidavit and that the hereto attached printed matter is a true and correct copy of the publication of the Notice of intent to introduce a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District which it purports to be a copy, appeared in such newspaper in the respective issues on the following dates: February 16, 1989.

Helen Nehr

Advertising Manager

Sworn to and subscribed before me, this the 17th day of February, 1989.

David Nehr
Notary Public--Bandera County

My commission expires 1/8/90

NOTICE
This is to give notice of intent to introduce in the 71st Legislature, Regular Session, a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 21, 1989

APR 21 REGU

TO: Honorable H. Tati Santiesteban,
Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Committee Substitute for
Senate Bill No. 1636

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Committee Substitute for Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, LV

APR 12 1989
REC'D

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1636
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA

HOUSE COMMITTEE REPORT

1st Printing

89 MAY 15 PM 10:06
HOUSE OF REPRESENTATIVES

By Sims
(Edge)
Substitute the following for S.B. No. 1636:

S.B. No. 1636

By Yost

C.S.S.B. No. 1636

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Springhills Water Management
District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation
district, to be known as the Springhills Water Management District,
is created in Bandera County, subject to approval at a confirmation
election under Section 9 of this Act. The district is a
governmental agency and a body politic and corporate.

(b) The district is created under and is essential to
accomplish the purposes of Article XVI, Section 59, of the Texas
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the
Springhills Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory
contained within Bandera County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other
property included within the boundaries of the district will be
benefited by the works and projects that are to be accomplished by
the district under powers conferred by Article XVI, Section 59, of
the Texas Constitution. The district is created to serve a public

1 use and benefit.

2 SECTION 6. POWERS. (a) The district has all of the rights,
3 powers, privileges, authority, functions, and duties provided by
4 the general law of this state, including Chapters 50 and 52, Water
5 Code, applicable to underground water conservation districts
6 created under Article XVI, Section 59, of the Texas Constitution.
7 This Act prevails over any provision of general law that is in
8 conflict or inconsistent with this Act.

9 (b) The rights, powers, privileges, authority, functions,
10 and duties of the district are subject to the continuing right of
11 supervision of the state to be exercised by and through the Texas
12 Water Commission.

13 SECTION 7. BOARD OF DIRECTORS. (a) The district is
14 governed by a board of nine directors.

15 (b) Temporary directors serve until initial permanent
16 directors are elected under Section 9 of this Act.

17 (c) Initial permanent directors serve until permanent
18 directors are elected under Section 10 of this Act.

19 (d) Permanent directors other than initial permanent
20 directors serve staggered four-year terms.

21 (e) Each director must qualify to serve as director in the
22 manner provided by Sections 51.078 and 51.079, Water Code.

23 (f) A director serves until the director's successor has
24 qualified.

25 (g) A director is not entitled to compensation for service
26 on the board of directors but may be reimbursed as provided by
27 board rules for expenses incurred in carrying out the business of

1 the district.

2 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
3 directors is composed of:

- 4 (1) Phil Becker
- 5 (2) Paul Garrison, Jr.
- 6 (3) Connie Taylor
- 7 (4) Craig Tips
- 8 (5) Tom Denyer
- 9 (6) Joe Cantu
- 10 (7) J. K. Leighton
- 11 (8) Don Karr
- 12 (9) J. B. Edwards

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than five
16 qualified temporary directors, the Texas Water Commission shall
17 appoint the necessary number of persons to fill all vacancies on
18 the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board of directors shall call and hold an
21 election to confirm establishment of the district and to elect nine
22 initial directors.

23 (b) A person who desires to be a candidate for the office of
24 initial director may file an application with the temporary board
25 to have the candidate's name printed on the ballot as provided by
26 Section 51.075, Water Code.

27 (c) At the confirmation and initial directors' election, the

1 temporary board of directors shall have the names of the nine
2 persons serving as temporary directors placed on the ballot
3 together with the name of any candidate filing for the office of
4 director as provided by Subsection (b) of this section and blank
5 spaces to write in the names of other persons. If the district is
6 created at the election, the temporary directors, at the time the
7 vote is canvassed, shall declare the nine persons who receive the
8 most votes to be elected as the initial directors and shall include
9 the results of the directors' election in its election report to
10 the Texas Water Commission.

11 (d) Subsection (a), Section 41.001, Election Code, does not
12 apply to a confirmation and initial directors' election held as
13 provided by this section.

14 (e) Except as provided by this section, a confirmation and
15 initial directors' election must be conducted as provided by
16 Subsections (b) through (g), Section 52.058, Water Code, and the
17 Election Code.

18 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
19 May of the second year after the year in which the district is
20 authorized to be created at a confirmation election, an election
21 shall be held in the district for the election of directors. Two
22 directors shall be elected from each commissioner precinct and one
23 director at large. The director elected from each commissioner
24 precinct who receives the fewer number of votes shall serve a
25 two-year term, and the director elected from each commissioner
26 precinct who receives the most votes and the director elected at
27 large shall serve a four-year term. Thereafter, on the same date

1 in each subsequent second year, the appropriate number of directors
2 shall be elected to the board.

3 SECTION 11. ADDITIONAL AUTHORITY. The district may exercise
4 the rights, powers, purposes, authority, and functions provided by
5 Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
6 (Article 8280-526, Vernon's Texas Civil Statutes), but if any
7 provision of that Act is in conflict or inconsistent with this Act,
8 this Act prevails. The provisions of Chapter 629, Acts of the 62nd
9 Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
10 Texas Civil Statutes), that are not in conflict or inconsistent
11 with this Act continue in effect.

12 SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the
13 62nd Legislature, Regular Session, 1971, is amended to read as
14 follows:

15 Sec. 9. All powers of the district shall be exercised by a
16 board of nine directors composed of the persons who serve as
17 directors of the Springhills Water Management District. Each
18 director of the Springhills Water Management District serves on the
19 board of directors of the Bandera County River Authority as an
20 additional duty of his office as director of the water management
21 district. A director is not entitled to compensation for service
22 on the board of directors but may be reimbursed as provided by
23 board rules for expenses incurred in carrying out the business of
24 the district. [Each-director-shall-serve-for-his-term-of-office-as
25 herein-provided,--and--thereafter--until--his--successor--shall--be
26 appointed--and--qualified.--No-person-shall-be-appointed-a-director
27 unless-such-person-is-21-years-of-age-or-over-and-a-resident-of-the

district-and-owns-land-therein. --Each-director-shall--subscribe--to
the--oath-of-office-and-shall-give-bond-in-the-amount-of-\$5,000-for
the-faithful-performance-of-his-duties,--the-cost-of-which-shall--be
borne--by-the-district. --A-majority-of-directors-shall-constitute-a
quorum. ---Immediately--after--this--Act--becomes---effective,---the
following--named--persons,--all-of-whom-are-21-years-of-age-or-over
and-residents-of-the-district-and-own-land-therein,--shall--be--the
directors--of--the--district--and--shall--constitute--the--board-of
directors-of-the-district.

- (1)--M. R. Sandidge
- (2)--Thomas U. Kesse
- (3)--Daniel Tschirhart
- (4)--Edwin Vawter
- (5)--Allie Allsup
- (6)--Paul Garrison, Sr.
- (7)--Elden Beltinghouse
- (8)--Henry Fisher
- (9)--R. E. Adams

If-any-of-the-aforementioned-persons-shall-fail-or-refuse-to-serve,
die,--become-incapacitated,--or-otherwise-not-be-qualified-to--assume
the--duties--of--a--director--of--the--district-under-this-Act,--the
governor-shall--appoint--a--successor--or--successors. ---Succeeding
directors--shall--be--appointed--as--provided-for-in-this-Act. --The
terms-of-office-of-the-first-three-directors-named-above-expire--on
January--31,--1973,--of-the-second-three,--on-January-31,--1975,--and-of
the-last-three,--on-January-31,--1977. ---On--February--1,--1973,--and
every--two--years-thereafter,--the-governor-shall-appoint-successors

1 ~~to-directors-whose-terms-expire--Except--as--provided--above,--all~~
 2 ~~directors-have-six-year-terms-of-office--The-governor-shall-fill-a~~
 3 ~~vacaney--on--the-board-by-appointment-for-the-unexpired-term.]~~ The
 4 board of directors shall elect from its number a president, a vice
 5 president, and a secretary of the board of directors and of the
 6 district, and such other officers as in the judgment of the board
 7 are necessary. The president shall be chief executive officer of
 8 the district and the presiding officer of the board, and shall have
 9 the same right to vote as any other director. The vice president
 10 shall perform all duties and exercise all power conferred by this
 11 Act or the general law upon the president when the president is
 12 absent or fails or declines to act. The secretary shall keep and
 13 sign the minutes of the meetings of the board of directors; and in
 14 his absence at any board meeting, a secretary pro tem shall be
 15 named for that meeting who may exercise all the duties and powers
 16 of the secretary for such meeting, sign the minutes thereof, and
 17 attest all orders passed or other action taken at such meeting.
 18 The secretary shall be the custodian of all minutes and records of
 19 the district. The board shall appoint all necessary engineers,
 20 attorneys, auditors, and other employees. The board shall adopt a
 21 seal for the district.

22 SECTION 13. ADDITIONAL DUTY. Each person designated under
 23 this Act as a temporary director for the Springhills Water
 24 Management District serves in that capacity as an additional duty
 25 of office as a director of the Bandera County River Authority.

26 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

27 (a) The proper and legal notice of the intention to introduce this

1 Act, setting forth the general substance of this Act, has been
2 published as provided by law, and the notice and a copy of this Act
3 have been furnished to all persons, agencies, officials, or
4 entities to which they are required to be furnished by the
5 constitution and other laws of this state, including the governor,
6 who has submitted the notice and Act to the Texas Water Commission.

7 (b) The Texas Water Commission has filed its recommendations
8 relating to this Act with the governor, lieutenant governor, and
9 speaker of the house of representatives within the required time.

10 (c) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act are fulfilled
13 and accomplished.

14 SECTION 15. EFFECTIVE DATE. This Act takes effect
15 immediately, except Section 12 of this Act takes effect on the date
16 the temporary board of directors declares the results of the
17 confirmation and initial directors' election to be favorable to the
18 creation of the district and declares the district created.

19 SECTION 16. EMERGENCY. The importance of this legislation
20 and the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended,
24 and that this Act take effect and be in force from and after its
25 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 10, 1989
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 1636 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

(x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (x) no

An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. (x) yes () no

A criminal justice policy impact statement was prepared. () yes (x) no

A water development policy impact statement was requested. (x) yes () no

(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the (x) Local, () Consent, or () Resolutions Calendar.

This measure (x) proposes new law. (x) amends existing law.

House Sponsor of Senate Measure Edge

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.				x
Culberson	x			
Holzheuser	x			
Junell	x			
Swift				x
Wentworth	x			
Yost	x			

Total

7 aye

0 nay

0 present, not voting

2 absent

Terrell
CHAIRMAN

Deborah K. Wall
COMMITTEE COORDINATOR

BILL ANALYSIS

Background

It is believed that creation of the Springhills Water Management District will be beneficial to residents of the area.

Purpose of the Bill

This bill creates the district and provides for its operation.

Section by Section Analysis

Section 1. Creates the district under Article XVI, Section 59 of the Texas Constitution.

Section 2. Definition.

Section 3. Includes all territory in Bandera County in the district.

Section 4. Finding of closure.

Section 5. Finding of benefit.

Section 6. Provides for the general powers of the district under Chapters 50 and 52, Water Code, as applicable to districts created under Article XVI, Section 59 of the Texas Constitution, subject to commission supervision.

Section 7. Provides for a nine member board with members serving staggered four year terms. Provides for additional terms and qualifications for directors under Sections 51.078 and 51.079, Water Code.

Section 8. Names the temporary board and provides for filling vacancies.

Section 9. Provides procedures for holding a district confirmation and directors' election.

Section 10. Provides for regular directors elections on the first Saturday in May every second year.

Section 11. Provides the district certain additional authority under Chapter 629, Acts of the 62nd Legislature, 1971.

Section 12. Amends Section 9, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 to provide that members of the board of the district shall also serve on the board of the Bandera County River Authority.

Section 13. Provides that members of the temporary board shall also serve as directors of the Bandera County River Authority.

Section 14. Finding of compliance with notice requirements.

Section 15. Effective date is immediately, excepting Section 12 which takes effect when the district is created.

Section 16. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

Comparison of Substitute to Original

The substitute to SB 1636 changes the name of the district from the Bandera County Management District to the Springhills Management District, and adds Sections 12 and 13 to include members of the board of the district on the board of the Bandera County River Authority. An effective date clause is added in Section 15.

Summary of Committee Action

The House companion to SB 1636, HB 3015, was referred directly to the subcommittee on water districts on May 3, 1989.

HB 3015 was considered by the subcommittee in public hearing on May 8, 1989. Representative Edge introduced the bill. Harry Pruett of the Texas Water Commission testified as a resource witness on the bill. Phil Becker and Ray Buck, representing the Bandera County River Authority, testified for the bill. Representative Junell moved that SB 1636 be reported to the full committee in lieu of HB 3015. There was no objection. The motion to report SB 1636 favorably to the full committee carried with a vote of 2 ayes, 0 nays, 0 PNV, and 1 absent.

The rules were suspended on May 10, 1989 in order to allow the committee to take up the subcommittee report on SB 1636 in public hearing on that day.

SB 1636 was considered by the full committee in public hearing on May 10, 1989. The subcommittee report was laid out. Representative Junell offered a complete substitute for SB 1636. The substitute was adopted without objection. The motion to report the bill favorably, as substituted, to the full House for placement on the local calendar carried with a vote of 7 ayes, 0 nays, 0 PNV, and 2 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 21, 1989

APR 21 1989

TO: Honorable H. Tati Santiesteban,
Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Committee Substitute for
Senate Bill No. 1636

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Committee Substitute for Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, LV

APR 12 1989
REC'D

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1636
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA

Texas House of Representatives



P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0516
Rm. 411-B, Capitol

District 45
Atascosa, Bandera, Frio,
Live Oak, Medina, Wilson

STATE REPRESENTATIVE

Eldon Edge

MAY 1, 1989

THE HONORABLE TERRELL SMITH
CHAIRMAN, NATURAL RESOURCES CMTE.
P. O. Box 2910
AUSTIN, TEXAS 78768

RE: AUTHOR'S FISCAL STATEMENT-SB1636

MR. CHAIRMAN:

IN RESPONSE TO YOUR REQUEST FOR AN AUTHOR'S FISCAL
STATEMENT ON SB 1636, I HAVE DETERMINED THE FOLLOWING:

1. COST TO STATE GOVT: NO FISCAL IMPLICATION
(PER TX WATER COMMISSION)
2. COST TO BANDERA CO. GOVT: A CONFIRMATION AND
DIRECTOR'S ELECTION GENERALLY COSTS THE LOCAL
DISTRICT BETWEEN \$1000 AND \$5000 DEPENDING ON
THE COSTS OF NOTICES AND LEGAL FEES. BY WATER
CODE 52, THOSE COSTS WOULD BE CONSIDERED ORGAN-
IZATION COSTS AND MAY BE PAID FROM THE FIRST BOND
ISSUE, MAINTENANCE TAXES OR OTHER REVENUE OF THE
DISTRICT.

REPRESENTATIVE ELDON EDGE

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1636/H.B. 3015) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Bandera County Water Management District.

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. Items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen P. Beinke".

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate
Representative Eldon Edge, House of Representatives

7

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4 Sec. 36.

Bill No. (H.B. 3015/S.B. 1636) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Bandera County Water Management District.

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments on items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script, reading "Allen Beinke".

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Senator Bill Sims, State Senate
Representative Eldon Edge, House of Representatives

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE BANDERA COUNTY
WATER MANAGEMENT DISTRICT

Water Development Policy Impact Statements for House Bill 3015 (H.B. 3015)/Senate Bill 1636 (S.B. 1636) relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District follow.

Wells located within this proposed district primarily utilize the Trinity Group aquifer; however, some water may also be derived from the Edwards Aquifer. There is no apparent hydrogeologic justification for the determination of district boundaries. Bandera County is currently in the critical area process.

H.B. 3015/S.B. 1636 provides that the proposed district (which encompasses all of Bandera County) would have all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Additionally, the district may exercise the rights, powers, purposes, authority and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (This act created the Bandera County River Authority). Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District's boundaries are coterminous with the boundaries of Bandera County. The Board's current projected population for Bandera County indicates an anticipated increase in population ranging from 4,572 to 8,901 over the next 20 years.
- 2) **District finances** - The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's

maintenance. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.

- 3) **Board of Directors & Powers** - H.B. 3015/S.B. 1636 appoints as temporary directors the same individuals as the directors currently serving as directors of the Bandera County River Authority. At the time these individuals take office as directors of the Bandera County Water Management District, they must vacate their offices as directors of the Bandera County River Authority because Article XVI, Sec. 50, of the Texas Constitution prohibits one person from holding two offices of emolument. Court decisions and Texas Attorney General opinions have repeatedly ruled that directors of water districts hold offices of emolument.

The district is to be divided into four districts, corresponding to county commissioner precincts. The district is to be governed by a board of nine directors. The board is to be composed of two elected directors from each of the four Commissioner precincts, and an additional elected director who will represent the district at-large. The bills provide for and describe three sets of board of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors will serve until the initial permanent directors are elected and these in turn will serve until the permanent directors have been elected. The initial permanent and permanent directors are elected in the manner prescribed by the bills. The permanent directors will serve staggered four-year terms and the election will be conducted as prescribed in the Acts and as provided by 52.058(b)-(g), Texas Water Code, and the Election Code.

Since the bills create an underground water conservation district, it has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water Code, applicable to those districts created under Article

XVI, Section 59 of the Texas Constitution. These primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. No additional powers are granted to the district by the bills, except for the powers of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971. This legislation created the Bandera County River Authority, a conservation and reclamation district empowered to exercise rights and duties of the general laws of the state applicable to water control and improvement districts.

- 4) **Effect on the Texas Water Development Board's water plan** - The Board finds the creation of the proposed District agrees with the State Water Plan objective of promoting more efficient use of groundwater resources through local groundwater management.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out in Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting requirements for all districts as set out in Subchapter A, Sections 50.001 through 50.106, Texas Water Code.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; 2) install pumps and other equipment; and 3) provide facilities for the purchase, sale,

transportation, and distribution of surface and groundwater (Section 52.291).

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this Act.
- 7) **Exclusion of land from district** - The bills contain no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - This district includes all of Bandera County. There appears to be no conflict between the boundaries of this district and other existing districts. Section 4 of the bills which deals with field notes is not germane to a district created with county boundaries and ought to be deleted.

Additionally, the Bandera County River Authority does not encompass all of Bandera County. Excluded are the Bandera County Fresh Water Supply District No. 1 and the Bandera County Water Control and Improvement District No. 1.

- 9) **Comment on powers and duties different from similar types of districts** - This is an underground water conservation district, and as such has been given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts. These bills name the Bandera County River Authority Board members as district board members.

ADOPTED

MAY 22 1989

Betty M. Mearns
Chief Clerk
House of Representatives

By Sims

S.B. No. 1636

Substitute the following for S.B. No. 1636:

By *Yont*

C.S.S.B. No. 1636

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Springhills Water Management District, *including the authority to issue bonds and levy taxes and the power of eminent domain.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Springhills Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Springhills Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public

1 use and benefit.

2 SECTION 6. POWERS. (a) The district has all of the rights,
3 powers, privileges, authority, functions, and duties provided by
4 the general law of this state, including Chapters 50 and 52, Water
5 Code, applicable to underground water conservation districts
6 created under Article XVI, Section 59, of the Texas Constitution.
7 This Act prevails over any provision of general law that is in
8 conflict or inconsistent with this Act.

9 (b) The rights, powers, privileges, authority, functions,
10 and duties of the district are subject to the continuing right of
11 supervision of the state to be exercised by and through the Texas
12 Water Commission.

13 SECTION 7. BOARD OF DIRECTORS. (a) The district is
14 governed by a board of nine directors.

15 (b) Temporary directors serve until initial permanent
16 directors are elected under Section 9 of this Act.

17 (c) Initial permanent directors serve until permanent
18 directors are elected under Section 10 of this Act.

19 (d) Permanent directors other than initial permanent
20 directors serve staggered four-year terms.

21 (e) Each director must qualify to serve as director in the
22 manner provided by Sections 51.078 and 51.079, Water Code.

23 (f) A director serves until the director's successor has
24 qualified.

25 (g) A director is not entitled to compensation for service
26 on the board of directors but may be reimbursed as provided by
27 board rules for expenses incurred in carrying out the business of

1 the district.

2 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
3 directors is composed of:

- 4 (1) Phil Becker
- 5 (2) Paul Garrison, Jr.
- 6 (3) Connie Taylor
- 7 (4) Craig Tips
- 8 (5) Tom Denyer
- 9 (6) Joe Cantu
- 10 (7) J. K. Leighton
- 11 (8) Don Karr
- 12 (9) J. B. Edwards

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than five
16 qualified temporary directors, the Texas Water Commission shall
17 appoint the necessary number of persons to fill all vacancies on
18 the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board of directors shall call and hold an
21 election to confirm establishment of the district and to elect nine
22 initial directors.

23 (b) A person who desires to be a candidate for the office of
24 initial director may file an application with the temporary board
25 to have the candidate's name printed on the ballot as provided by ^{1/4}
26 Section 51.075, Water Code.

27 (c) At the confirmation and initial directors' election, the

1 temporary board of directors shall have the names of the nine
2 persons serving as temporary directors placed on the ballot
3 together with the name of any candidate filing for the office of
4 director as provided by Subsection (b) of this section and blank
5 spaces to write in the names of other persons. If the district is
6 created at the election, the temporary directors, at the time the
7 vote is canvassed, shall declare the nine persons who receive the
8 most votes to be elected as the initial directors and shall include
9 the results of the directors' election in its election report to
10 the Texas Water Commission.

11 (d) Subsection (a), Section 41.001, Election Code, does not
12 apply to a confirmation and initial directors' election held as
13 provided by this section.

14 (e) Except as provided by this section, a confirmation and
15 initial directors' election must be conducted as provided by
16 Subsections (b) through (g), Section 52.058, Water Code, and the
17 Election Code.

18 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
19 May of the second year after the year in which the district is
20 authorized to be created at a confirmation election, an election
21 shall be held in the district for the election of directors. Two
22 directors shall be elected from each commissioner precinct and one
23 director at large. The director elected from each commissioner
24 precinct who receives the fewer number of votes shall serve a
25 two-year term, and the director elected from each commissioner
26 precinct who receives the most votes and the director elected at
27 large shall serve a four-year term. Thereafter, on the same date

1 in each subsequent second year, the appropriate number of directors
2 shall be elected to the board.

3 SECTION 11. ADDITIONAL AUTHORITY. The district may exercise
4 the rights, powers, purposes, authority, and functions provided by
5 Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971
6 (Article 8280-526, Vernon's Texas Civil Statutes), but if any
7 provision of that Act is in conflict or inconsistent with this Act,
8 this Act prevails. The provisions of Chapter 629, Acts of the 62nd
9 Legislature, Regular Session, 1971 (Article 8280-526, Vernon's
10 Texas Civil Statutes), that are not in conflict or inconsistent
11 with this Act continue in effect.

12 SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the
13 62nd Legislature, Regular Session, 1971, is amended to read as
14 follows:

15 Sec. 9. All powers of the district shall be exercised by a
16 board of nine directors composed of the persons who serve as
17 directors of the Springhills Water Management District. Each
18 director of the Springhills Water Management District serves on the
19 board of directors of the Bandera County River Authority as an
20 additional duty of his office as director of the water management
21 district. A director is not entitled to compensation for service
22 on the board of directors but may be reimbursed as provided by
23 board rules for expenses incurred in carrying out the business of
24 the district. ^{5/6} ~~[Each-director-shall-serve-for-his-term-of-office-as~~
25 ~~herein-provided,--and--thereafter--until--his--successor--shall--be~~
26 ~~appointed--and--qualified--No-person-shall-be-appointed-a-director~~
27 ~~unless-such-person-is-21-years-of-age-or-over-and-a-resident-of-the~~

1 district-and-owns-land-therein--Each-director-shall--subscribe--to
 2 the--oath-of-office-and-shall-give-bond-in-the-amount-of-\$5,000-for
 3 the-faithful-performance-of-his-duties,-the-cost-of-which-shall--be
 4 borne--by-the-district--A-majority-of-directors-shall-constitute-a
 5 quorum---Immediately--after--this--Act--becomes---effective,---the
 6 following--named--persons,--all-of-whom-are-21-years-of-age-or-over
 7 and-residents-of-the-district-and-own-land-therein,--shall--be--the
 8 directors--of--the--district--and--shall--constitute--the--board-of
 9 directors-of-the-district-

10 (1)--M. R. Sandidge

11 (2)--Thomas U. Kesse

12 (3)--Daniel Tschirhart

13 (4)--Edwin Vawter

14 (5)--Allie Allsup

15 (6)--Paul Garrison, Sr.

16 (7)--Eldon Boltinghouse

17 (8)--Henry Fisher

18 (9)--R. E. Adams

19 If-any-of-the-aforementioned-persons-shall-fail-or-refuse-to-serve,
 20 die,-become-incapacitated,-or-otherwise-not-be-qualified-to--assume
 21 the--duties--of--a--director--of--the--district-under-this-Act,-the
 22 governor-shall--appoint--a--successor--or--successors---Succeeding
 23 directors--shall--be--appointed--as--provided-for-in-this-Act--The
 24 terms-of-office-of-the-first-three-directors-named-above-expire--on
 25 January--31,-1973,-of-the-second-three,-on-January-31,-1975,-and-of
 26 the-last-three,-on-January-31,-1977---On--February--1,-1973,-and
 27 every--two--years-thereafter,-the-governor-shall-appoint-successors

1 ~~to-directors-whose-terms-expire--Except--as--provided--above,--all~~
2 ~~directors-have-six-year-terms-of-office--The-governor-shall-fill-a~~
3 ~~vacaney--on--the-board-by-appointment-for-the-unexpired-term-]~~ The
4 board of directors shall elect from its number a president, a vice
5 president, and a secretary of the board of directors and of the
6 district, and such other officers as in the judgment of the board
7 are necessary. The president shall be chief executive officer of
8 the district and the presiding officer of the board, and shall have
9 the same right to vote as any other director. The vice president
10 shall perform all duties and exercise all power conferred by this
11 Act or the general law upon the president when the president is
12 absent or fails or declines to act. The secretary shall keep and
13 sign the minutes of the meetings of the board of directors; and in
14 his absence at any board meeting, a secretary pro tem shall be
15 named for that meeting who may exercise all the duties and powers
16 of the secretary for such meeting, sign the minutes thereof, and
17 attest all orders passed or other action taken at such meeting.
18 The secretary shall be the custodian of all minutes and records of
19 the district. The board shall appoint all necessary engineers,
20 attorneys, auditors, and other employees. The board shall adopt a
21 seal for the district. ^{1/8}

22 SECTION 13. ADDITIONAL DUTY. Each person designated under
23 this Act as a temporary director for the Springhills Water
24 Management District serves in that capacity as an additional duty
25 of office as a director of the Bandera County River Authority.

26 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

27 (a) The proper and legal notice of the intention to introduce this

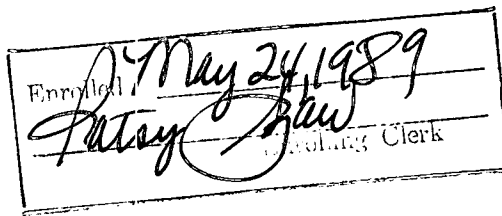
1 Act, setting forth the general substance of this Act, has been
2 published as provided by law, and the notice and a copy of this Act
3 have been furnished to all persons, agencies, officials, or
4 entities to which they are required to be furnished by the
5 constitution and other laws of this state, including the governor,
6 who has submitted the notice and Act to the Texas Water Commission.

7 (b) The Texas Water Commission has filed its recommendations
8 relating to this Act with the governor, lieutenant governor, and
9 speaker of the house of representatives within the required time.

10 (c) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act are fulfilled
13 and accomplished.

14 SECTION 15. EFFECTIVE DATE. This Act takes effect
15 immediately, except Section 12 of this Act takes effect on the date
16 the temporary board of directors declares the results of the
17 confirmation and initial directors' election to be favorable to the
18 creation of the district and declares the district created.

19 SECTION 16. EMERGENCY. The importance of this legislation
20 and the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the
22 constitutional rule requiring bills to be read on three several
23 days in each house be suspended, and this rule is hereby suspended,
24 and that this Act take effect and be in force from and after its
25 passage, and it is so enacted.



S.B. No. 1636

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Springhills Water Management District, including the authority to issue bonds and levy taxes and the power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Springhills Water Management District, is created in Bandera County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Springhills Water Management District.

SECTION 3. BOUNDARIES. The district includes the territory contained within Bandera County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries of the district form a closure.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public

1 use and benefit.

2 SECTION 6. POWERS. (a) The district has all of the rights,
3 powers, privileges, authority, functions, and duties provided by
4 the general law of this state, including Chapters 50 and 52, Water
5 Code, applicable to underground water conservation districts
6 created under Article XVI, Section 59, of the Texas Constitution.
7 This Act prevails over any provision of general law that is in
8 conflict or inconsistent with this Act.

9 (b) The rights, powers, privileges, authority, functions,
10 and duties of the district are subject to the continuing right of
11 supervision of the state to be exercised by and through the Texas
12 Water Commission.

13 SECTION 7. BOARD OF DIRECTORS. (a) The district is
14 governed by a board of nine directors.

15 (b) Temporary directors serve until initial permanent
16 directors are elected under Section 9 of this Act.

17 (c) Initial permanent directors serve until permanent
18 directors are elected under Section 10 of this Act.

19 (d) Permanent directors other than initial permanent
20 directors serve staggered four-year terms.

21 (e) Each director must qualify to serve as director in the
22 manner provided by Sections 51.078 and 51.079, Water Code.

23 (f) A director serves until the director's successor has
24 qualified.

25 (g) A director is not entitled to compensation for service
26 on the board of directors but may be reimbursed as provided by

board rules for expenses incurred in carrying out the business of the district.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

- (1) Phil Becker
- (2) Paul Garrison, Jr.
- (3) Connie Taylor
- (4) Craig Tips
- (5) Tom Denyer
- (6) Joe Cantu
- (7) J. K. Leighton
- (8) Don Karr
- (9) J. B. Edwards

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than five qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect nine initial directors.

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by

1 Section 51.075, Water Code.

2 (c) At the confirmation and initial directors' election, the
3 temporary board of directors shall have the names of the nine
4 persons serving as temporary directors placed on the ballot
5 together with the name of any candidate filing for the office of
6 director as provided by Subsection (b) of this section and blank
7 spaces to write in the names of other persons. If the district is
8 created at the election, the temporary directors, at the time the
9 vote is canvassed, shall declare the nine persons who receive the
10 most votes to be elected as the initial directors and shall include
11 the results of the directors' election in its election report to
12 the Texas Water Commission.

13 (d) Subsection (a), Section 41.001, Election Code, does not
14 apply to a confirmation and initial directors' election held as
15 provided by this section.

16 (e) Except as provided by this section, a confirmation and
17 initial directors' election must be conducted as provided by
18 Subsections (b) through (g), Section 52.058, Water Code, and the
19 Election Code.

20 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
21 May of the second year after the year in which the district is
22 authorized to be created at a confirmation election, an election
23 shall be held in the district for the election of directors. Two
24 directors shall be elected from each commissioner precinct and one
25 director at large. The director elected from each commissioner
26 precinct who receives the fewer number of votes shall serve a

two-year term, and the director elected from each commissioner precinct who receives the most votes and the director elected at large shall serve a four-year term. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 11. ADDITIONAL AUTHORITY. The district may exercise the rights, powers, purposes, authority, and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), but if any provision of that Act is in conflict or inconsistent with this Act, this Act prevails. The provisions of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-526, Vernon's Texas Civil Statutes), that are not in conflict or inconsistent with this Act continue in effect.

SECTION 12. AMENDMENT. Section 9, Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

Sec. 9. All powers of the district shall be exercised by a board of nine directors composed of the persons who serve as directors of the Springhills Water Management District. Each director of the Springhills Water Management District serves on the board of directors of the Bandera County River Authority as an additional duty of his office as director of the water management district. A director is not entitled to compensation for service on the board of directors but may be reimbursed as provided by board rules for expenses incurred in carrying out the business of

the district. [Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and qualified. No person shall be appointed a director unless such person is 21 years of age or over and a resident of the district and owns land therein. Each director shall subscribe to the oath of office and shall give bond in the amount of \$5,000 for the faithful performance of his duties, the cost of which shall be borne by the district. A majority of directors shall constitute a quorum. Immediately after this Act becomes effective, the following named persons, all of whom are 21 years of age or over and residents of the district and own land therein, shall be the directors of the district and shall constitute the board of directors of the district.

(1) M. R. Sandidge

(2) Thomas W. Kesse

(3) Daniel Tschirhart

(4) Edwin Vawter

(5) Allie Allsup

(6) Paul Garrison, Sr.

(7) Eldon Boltinghouse

(8) Henry Fisher

(9) R. E. Adams

If any of the aforementioned persons shall fail or refuse to serve, die, become incapacitated, or otherwise not be qualified to assume the duties of a director of the district under this Act, the governor shall appoint a successor or successors. Succeeding

1 directors--shall--be--appointed--as--provided--for--in--this--Act--The
 2 terms--of--office--of--the--first--three--directors--named--above--expire--on
 3 January--31--1973--of--the--second--three--on--January--31--1975--and--of
 4 the--last--three--on--January--31--1977--On--February--1--1973--and
 5 every--two--years--thereafter--the--governor--shall--appoint--successors
 6 to--directors--whose--terms--expire--Except--as--provided--above--all
 7 directors--have--six--year--terms--of--office--The--governor--shall--fill--a
 8 vacancy--on--the--board--by--appointment--for--the--unexpired--term--] The
 9 board of directors shall elect from its number a president, a vice
 10 president, and a secretary of the board of directors and of the
 11 district, and such other officers as in the judgment of the board
 12 are necessary. The president shall be chief executive officer of
 13 the district and the presiding officer of the board, and shall have
 14 the same right to vote as any other director. The vice president
 15 shall perform all duties and exercise all power conferred by this
 16 Act or the general law upon the president when the president is
 17 absent or fails or declines to act. The secretary shall keep and
 18 sign the minutes of the meetings of the board of directors; and in
 19 his absence at any board meeting, a secretary pro tem shall be
 20 named for that meeting who may exercise all the duties and powers
 21 of the secretary for such meeting, sign the minutes thereof, and
 22 attest all orders passed or other action taken at such meeting.
 23 The secretary shall be the custodian of all minutes and records of
 24 the district. The board shall appoint all necessary engineers,
 25 attorneys, auditors, and other employees. The board shall adopt a
 26 seal for the district.

1 SECTION 13. ADDITIONAL DUTY. Each person designated under
2 this Act as a temporary director for the Springhills Water
3 Management District serves in that capacity as an additional duty
4 of office as a director of the Bandera County River Authority.

5 SECTION 14. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

6 (a) The proper and legal notice of the intention to introduce this
7 Act, setting forth the general substance of this Act, has been
8 published as provided by law, and the notice and a copy of this Act
9 have been furnished to all persons, agencies, officials, or
10 entities to which they are required to be furnished by the
11 constitution and other laws of this state, including the governor,
12 who has submitted the notice and Act to the Texas Water Commission.

13 (b) The Texas Water Commission has filed its recommendations
14 relating to this Act with the governor, lieutenant governor, and
15 speaker of the house of representatives within the required time.

16 (c) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 15. EFFECTIVE DATE. This Act takes effect
21 immediately, except Section 12 of this Act takes effect on the date
22 the temporary board of directors declares the results of the
23 confirmation and initial directors' election to be favorable to the
24 creation of the district and declares the district created.

25 SECTION 16. EMERGENCY. The importance of this legislation
26 and the crowded condition of the calendars in both houses create an

RE
S.B. No. 1636

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

174
S.B. No. 1636

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1636 passed the Senate on April 27, 1989, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 24, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1636 passed the House, with amendment, on May 22, 1989, by the following vote: Yeas 141, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Texas House of Representatives



P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0516
Rm. 411-B, Capitol

District 45
Atascosa, Bandera, Frio,
Live Oak, Medina, Wilson

STATE REPRESENTATIVE

Eldon Edge

MAY 1, 1989

THE HONORABLE TERRELL SMITH
CHAIRMAN, NATURAL RESOURCES CMTE.
P. O. BOX 2910
AUSTIN, TEXAS 78768

RE: AUTHOR'S FISCAL STATEMENT-SB1636

MR. CHAIRMAN:

IN RESPONSE TO YOUR REQUEST FOR AN AUTHOR'S FISCAL
STATEMENT ON SB 1636, I HAVE DETERMINED THE FOLLOWING:

1. COST TO STATE GOVT: NO FISCAL IMPLICATION
(PER TX WATER COMMISSION)
2. COST TO BANDERA CO. GOVT: A CONFIRMATION AND
DIRECTOR'S ELECTION GENERALLY COSTS THE LOCAL
DISTRICT BETWEEN \$1000 AND \$5000 DEPENDING ON
THE COSTS OF NOTICES AND LEGAL FEES. BY WATER
CODE 52, THOSE COSTS WOULD BE CONSIDERED ORGAN-
IZATION COSTS AND MAY BE PAID FROM THE FIRST BOND
ISSUE, MAINTENANCE TAXES OR OTHER REVENUE OF THE
DISTRICT.

REPRESENTATIVE ELDON EDGE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 21, 1989

APR 21 REGU

TO: Honorable H. Tati Santiesteban,
Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Committee Substitute for
Senate Bill No. 1636

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Committee Substitute for Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, LV

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1636/H.B. 3015) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Bandera County Water Management District.

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. Items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen P. Beinke".

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate
Representative Eldon Edge, House of Representatives

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4 Sec. 36.

Bill No. (H.B. 3015/S.B. 1636) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Bandera County Water Management District.

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments on items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Senator Bill Sims, State Senate
Representative Eldon Edge, House of Representatives

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE BANDERA COUNTY
WATER MANAGEMENT DISTRICT

Water Development Policy Impact Statements for House Bill 3015 (H.B. 3015)/Senate Bill 1636 (S.B. 1636) relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District follow.

Wells located within this proposed district primarily utilize the Trinity Group aquifer; however, some water may also be derived from the Edwards Aquifer. There is no apparent hydrogeologic justification for the determination of district boundaries. Bandera County is currently in the critical area process.

H.B. 3015/S.B. 1636 provides that the proposed district (which encompasses all of Bandera County) would have all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Additionally, the district may exercise the rights, powers, purposes, authority and functions provided by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 (This act created the Bandera County River Authority). Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District's boundaries are coterminous with the boundaries of Bandera County. The Board's current projected population for Bandera County indicates an anticipated increase in population ranging from 4,572 to 8,901 over the next 20 years.
- 2) **District finances** - The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's

maintenance. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.

- 3) **Board of Directors & Powers** - H.B. 3015/S.B. 1636 appoints as temporary directors the same individuals as the directors currently serving as directors of the Bandera County River Authority. At the time these individuals take office as directors of the Bandera County Water Management District, they must vacate their offices as directors of the Bandera County River Authority because Article XVI, Sec. 50, of the Texas Constitution prohibits one person from holding two offices of emolument. Court decisions and Texas Attorney General opinions have repeatedly ruled that directors of water districts hold offices of emolument.

The district is to be divided into four districts, corresponding to county commissioner precincts. The district is to be governed by a board of nine directors. The board is to be composed of two elected directors from each of the four Commissioner precincts, and an additional elected director who will represent the district at-large. The bills provide for and describe three sets of board of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors will serve until the initial permanent directors are elected and these in turn will serve until the permanent directors have been elected. The initial permanent and permanent directors are elected in the manner prescribed by the bills. The permanent directors will serve staggered four-year terms and the election will be conducted as prescribed in the Acts and as provided by 52.058(b)-(g), Texas Water Code, and the Election Code.

Since the bills create an underground water conservation district, it has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water Code, applicable to those districts created under Article

XVI, Section 59 of the Texas Constitution. These primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. No additional powers are granted to the district by the bills, except for the powers of Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971. This legislation created the Bandera County River Authority, a conservation and reclamation district empowered to exercise rights and duties of the general laws of the state applicable to water control and improvement districts.

- 4) **Effect on the Texas Water Development Board's water plan** - The Board finds the creation of the proposed District agrees with the State Water Plan objective of promoting more efficient use of groundwater resources through local groundwater management.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out in Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting requirements for all districts as set out in Subchapter A, Sections 50.001 through 50.106, Texas Water Code.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; 2) install pumps and other equipment; and 3) provide facilities for the purchase, sale,

transportation, and distribution of surface and groundwater (Section 52.291).

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this Act.
- 7) **Exclusion of land from district** - The bills contain no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - This district includes all of Bandera County. There appears to be no conflict between the boundaries of this district and other existing districts. Section 4 of the bills which deals with field notes is not germane to a district created with county boundaries and ought to be deleted.

Additionally, the Bandera County River Authority does not encompass all of Bandera County. Excluded are the Bandera County Fresh Water Supply District No. 1 and the Bandera County Water Control and Improvement District No. 1.

- 9) **Comment on powers and duties different from similar types of districts** - This is an underground water conservation district, and as such has been given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts. These bills name the Bandera County River Authority Board members as district board members.

APR 12 RECD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1636
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1636 (relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF BANDERA

Before me, the undersigned authority, on this day personally appeared Helen Nehr, who, after being by me duly sworn, deposes and says that she is the Advertising Manager of the Bandera Bulletin, a newspaper of general circulation which has been continuously and regularly published in the City of Bandera, County of Bandera, State of Texas, for a period of more than ten (10) years prior to the date hereof; that she knows the facts stated in this affidavit and that the hereto attached printed matter is a true and correct copy of the publication of the Notice of intent to introduce a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District which it purports to be a copy, appeared in such newspaper in the respective issues on the following dates: February 16, 1989.

Helen Nehr

Advertising Manager

Sworn to and subscribed before me, this the 17th day of February, 1989.

David Nehr

Notary Public--Bandera County

My commission expires 1/8/90

NOTICE

This is to give notice of intent to introduce in the 71st Legislature, Regular Session, a bill to be entitled an Act Relating to the Creation of the Bandera County Water Management District.

S.B. No. 1636

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1636 (1) passed the Senate on April 27 (2), 1989, by the following vote: Yeas 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 24 (5), 1989, by the following vote: Yeas 31 (6), Nays 0 (7).

Secretary of the Senate

I hereby certify that S.B. No. 1636 (1) passed the House, with amendment, on May 22 (8), 1989, by the following vote: Yeas 141 (9), Nays 1 (10), one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. B. No. 1636

By Lims

A BILL TO BE ENTITLED

AN ACT: relating to the creation, administration, powers, duties, operation, and financing of the Bandera County Water Management District.

4-4-89 Filed with the Secretary of the Senate

APR 4 1989 Read and referred to Committee on NATURAL RESOURCES

APR 20 1989 Reported favorably _____

APR 27 1989 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 27 1989 Ordered not printed

APR 27 1989 Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

APR 27 1989 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

APR 27 1989 Caption ordered amended to conform to the body of the bill.

APR 27 1989 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.

APR 27 1989 Read third time, _____, and passed by 31 yeas, 0 nays.

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

April 27 1989 Engrossed
April 27 1989 Sent to House

Engrossing Clerk Katey Span

APR 27 1989 Received from the Senate

MAY 1 1989 Read first time and referred to Committee on Natural Resources

5.10.89 Reported favorably sub: amended, sent to Printer at 2:00pm MAY 15 1989

5.15.89 Printed and Distributed 10:06pm

MAY 16 1989 Sent to Committee on Calendars 3:46pm

MAY 22 1989 Read Second time sub: amended; passed to third reading (failed) by (Non-Record Vote) Record Vote of _____ yeas, _____ nays, _____ present not voting.

MAY 22 1989 Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, _____ present not voting.

MAY 22 1989 Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of 141 yeas, 1 nays, 1 present not voting.

MAY 23 1989 Caption ordered amended to conform to body of bill.

MAY 23 1989 Returned to Senate.

Betty Murray
CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 23 1989 Returned from House with 1 amendments.

MAY 24 1989 Concurred in House amendments by a viva voce vote 31 yeas, 0 nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged .

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

89 MAY 15 PM 10:06
HOUSE OF REPRESENTATIVES

NR